IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 33803 of 2002(Y)

PETITIONER:

T.C.RATNAM, TEACHER, MARM GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL, SANTHIPURAM, KODUNGALLOOR, RESIDING AT SREE BHAVAN, EDATHURUTHY P.O., THRISSUR DT.

BY ADV. SRI.JOSE J.MATHAIKAL.

RESPONDENTS:
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1. **THE KERALA STATE FINANCIAL ENTERPRISES, BHADRATHA, KOLLAM, REPRESENTED BY ITS MANAGING DIRECTOR.**
2. **THE BRANCH MANAGER, KERALA STATE FINANCIAL ENTERPRISES, KOLLAM MAIN BRANCH, CHINNAKKADA, KOLLAM-691 001.**
3. **EDISON JOHN, S/O.JOHN, CHRISTIAN, RESIDING AT THOMAS DALE, KUREEPUZHA P.O., KOLLAM DISTRICT.**
4. **P.N.ANANDAVALLY, ANANDA BHAVAN, KUREEPUZHA, KOLLAM DISTRICT, TEACHER, GOVERNMENT UPS, KUREEPUZHA, KOLLAM DT.**
5. **M.SAVITHRI, PONNI LAND, III 232, NEERAVIL, KOLLAM DISTRICT, TEACHER, GOVERNMENT UPS, KUREEPUZHA, KOLLAM DT.**

O.P. NO. 33803/2002:

***ADDL.R6. THE SPECIAL DEPUTY TAHSILDAR (RR),**
THE K.S.F.E. LTD., KOLLAM.

***ADDL. R6. IS IMPLEADED AS PER ORDER DATED 14/03/2007 IN I.A. NO. 8448/2003.**

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.,

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 57203/2002 & I.A. NO. 10549/2003 IN O.P. NO. 33803/2002

DISMISSED

14/03/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DEMAND DTD. 25/07/2002 FROM R.2.

EXT.P.2: COPY OF THE RECEIPTS.

EXT.P.3: COPY OF THE DEMAND DTD. 25/07/2002.

EXT.P.4: COPY OF THE PETITION DTD. 05/11/2002.

EXT.P.5: COPY OF THE LETTER DTD. 18/09/2002 BY KSFE.

EXT.P.6: COPY OF THE DEMAND NOTICE DTD. 24/05/2003 IN LOAN NO. NC1610/97.

EXT.P.7: COPY OF THE DEMAND DTD. 24/05/2003 IN CHITTY NO. 64/97-98.

EXT.P.8: COPY OF THE PROHIBITORY ORDER DTD. 15/07/2003.

RESPONDENT'S EXHIBIT:

EXT.R2.1: COPY OF THE REPORT OF THE VILLAGE OFFICER DTD. 02/09/03 BEARING NO:201/03.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P.No. 33803 of 2002

Dated this the 14th day of March, 2007

JUDGMENT

Petitioner is aggrieved by the recovery steps initiated by the respondent KSFE. According to the petitioner she is only one of the sureties and all the other sureties are to be proceeded against apart from the principal debtor. Admittedly, as per the agreement executed by the petitioner the liability is joint and several. Therefore, under law the steps taken by the KSFE cannot be faulted. It is for the petitioner to approach the KSFE or the Adalat. In order to work out the relief as above, the interim order passed by this court regarding recovery from the petitioner shall continue for a further period of four months.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.33803/2002

JUDGMENT

14th March, 2007